

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

PHYLLIS FRANKE; individually, and on behalf of other members of the general public similarly situated,

Plaintiff,

VS.

ANDERSON MERCHANDISERS LLC,
an unknown business entity; and DOES
1 through 100, inclusive,

Defendants.

Case No.: 2:17-cv-03241-DSF-AFM
Honorable Dale S. Fischer

**[PROPOSED] ORDER GRANTING
PLAINTIFF'S MOTION TO REMAND
PURSUANT TO 28 U.S.C. § 1447**

Date: June 12, 2017
Time: 1:30 p.m.
Courtroom: 7D

Complaint Filed: March 17, 2017
Trial Date: None Set

[PROPOSED] ORDER

Plaintiff Phyllis Franke’s (“Plaintiff”) Motion to Remand came on for hearing before this Court on June 12, 2017 at approximately 1:30 p.m., in Courtroom 7D of the United States District Court for the Central District of California located at 350 W. 1st Street, Los Angeles, California 90012. The Court has reviewed Plaintiff’s moving papers, Defendant Anderson Merchandisers LLC’s (“Defendant”) opposition, and Plaintiff’s reply brief in connection with the motion. The Court has also considered oral argument and all evidence presented at the hearing.

9 Plaintiff's Motion to Remand is hereby **GRANTED**. Defendant removed this
10 action from the Superior Court of the County of Ventura based on the Class Action
11 Fairness Act of 2005 ("CAFA") and traditional diversity jurisdiction pursuant to 28
12 U.S.C. §§ 1332, 1441 and 1446. However, as Plaintiff's moving papers have
13 demonstrated, Defendant failed to carry its burden of establishing that the amount in
14 controversy is greater than \$75,000, as required by 28 U.S.C. §1332(a), and further
15 failed to carry its burden of establishing that the amount in controversy is greater than
16 \$5,000,000, as required by 28 U.S.C. § 1332(d). Accordingly, pursuant to 28 U.S.C. §
17 1447, the above-entitled action is hereby remanded to the Ventura County Superior
18 Court.

IT IS SO ORDERED.

Dated:

Hon. Dale S. Fischer
Judge of the U.S. District Court